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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 JEFFERY S. STEVENS,
5 Petitioner,
6
7 v.

8 JERRY HOWELL, *et al.*,
9 Respondents.
10

Case No. 2:19-cv-00949-KJD-VCF

ORDER

11
12 This case is a *pro se* petition for a writ of habeas corpus by Jeffery S. Stevens, a
13 Nevada prisoner. Stevens filed his habeas petition (ECF No. 1-1), along with a motion
14 for appointment of counsel (ECF No. 2) and an application to proceed *in forma pauperis*
15 (ECF No. 1), on June 3, 2019. On June 6, 2019, the Court denied the application to
16 proceed *in forma pauperis* and ordered Stevens to pay the filing fee. See Order entered
17 June 6, 2019 (ECF No. 4). Stevens paid the filing fee on June 18, 2019 (ECF No. 5).

18 Therefore, the Court has reviewed Stevens' habeas petition pursuant to Rule 4 of
19 the Rules Governing Section 2254 Cases in the United States District Courts. The Court
20 will direct the Clerk of the Court to serve the petition upon the respondents and will
21 require a response.

22 Stevens filed, with his petition, a motion for appointment of counsel (ECF No. 2).
23 "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed
24 counsel unless the circumstances of a particular case indicate that appointed counsel is
25 necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196
26 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam).
27 The court may, however, appoint counsel at any stage of the proceedings "if the
28 interests of justice so require." See 18 U.S.C. § 3006A; see *a/so* Rule 8(c), Rules

1 Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. The Court finds that appointment
2 of counsel is not warranted in this case, at least at this time, pending a response by the
3 respondents. The motion for appointment of counsel will be denied.

4 **IT IS THEREFORE HEREBY ORDERED** that the Clerk of the Court is directed to
5 separately file the petition for writ of habeas corpus, which is currently attached to the
6 *in forma pauperis* application at ECF No. 1-1.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add
8 Aaron Ford, Attorney General of the State of Nevada, as counsel for the respondents.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to
10 electronically serve upon the respondents a copy of the petition for writ of habeas
11 corpus and a copy of this order.

12 **IT IS FURTHER ORDERED** that the respondents will have ninety (90) days from
13 the date on which the petition is served upon them to appear in this action, and to
14 answer or otherwise respond to the petition.

15 **IT IS FURTHER ORDERED** that, if Respondents file an answer, Petitioner will
16 have 60 days to file a reply to the answer. If Respondents file a motion to dismiss,
17 Petitioner will have 60 days to file a response to the motion to dismiss, and then
18 Respondents will have 30 days to file a reply to Petitioner's response.

19 **IT IS FURTHER ORDERED** that Petitioner's motion for appointment of counsel
20 (ECF No. 2) is **DENIED**.

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22 DATED THIS 21 day of June, 2019.

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25 KENT J. DAWSON,
26 UNITED STATES DISTRICT JUDGE
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